



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,083	01/18/2002	Yun Ling	42390P13118	3639

7590 04/23/2003
John P. Ward
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

LEVI, DAMEON E

ART UNIT PAPER NUMBER

2841

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,083

Applicant(s)

LING ET AL.

Examiner

Dameon E Levi

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 recites the limitation "first contact surface" in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "second contact surface" in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "engaging member" in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "engaging member" in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4,7,8 are rejected under 35 U.S.C. 102(e) as being anticipated by Arbogast et al US Patent 6305966.

Regarding claim 1, Arbogast et al discloses an assembly comprising:

a connector having a slot therein to receive an edge portion of a card having a first actuation surface on the connector;(for example, see element 500, Figs 6,7)

and a lever mechanism movably coupled to the connector and having a contact surface for contact by a person, the contact surface being moveable between a first position and a second position by the person, and an engaging surface contacting the actuation surface on the card, the engaging surface being in a first position when the contact surface is in the first position and moving into a second position closer to the connector upon movement of the contact surface from the first position to the second position, a distance between the first and second positions being larger than a distance between the first and second locations of the engaging surface (for example, see element 116,118,512,Figs 6,7)

Regarding claim 2, as best understood by the Examiner, Arbogast et al discloses wherein the first contact surface is a notch (for example, see element 512, Figs 5-7)

Regarding claim 3, as best understood by the Examiner, Arbogast et al discloses wherein the second contact surface is a protuberance (for example, see element 118, Figs 5-7)

Regarding claim 4, Arbogast et al discloses wherein the card is a memory card (for example, see elements 506, Fogs 5-7)

Regarding claim 7, as best understood by the Examiner, Arbogast et al discloses wherein the engaging member moves a greater distance than a distance traveled by the second contact surface when the lever is moved from the first open position to the second closed position (for example, see Fig 7)

Regarding claim 8, Arbogast et al discloses an ejector attached to a base end of the lever to remove from the slot the card inserted therein when the lever is moved from the second closed position to the first open position (for example, see elements 114, Figs 5-8)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5,6,9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbogast et al US Patent 6305966 in view of Yin US Patent 5889656.

Regarding claim 5, Arbogast et al discloses the instant claimed invention except wherein the lever mechanism is a lever pivotally coupled with the connector via a pivot positioned near a base end of the lever

Yin discloses an assembly wherein the lever mechanism is a lever pivotally coupled with the connector via a pivot positioned near a base end of the lever (for example, see Figs 1-4C)

Art Unit: 2841

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a lever pivotally coupled with the connector as taught by Yin in the assembly as taught by Arbogast et al as such arrangements are well known accommodations for insertion and removal of memory cards (see Yin)

Regarding claim 6, as best understood by the Examiner, Arbogast et al discloses wherein the engaging member is attached to a first end of the lever (for example, see Figs 5-7)

Regarding claim 9, Arbogast et al discloses a locking mechanism coupled with a lever to lock the lever in the second closed position (for example, see element 120, Fig 2)

Regarding claim 10, the functional and operation recitation that “wherein the locking mechanism emits an audible sound as it locks into place” has not been given patentable weight because it is narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a “means” for performing the specified function, as set forth in 35 USC 112, 6th paragraph, and must be supported by recitation of the claim of sufficient structure to warrant the presence of the functional and operational language.

Regarding claims 11-13, the methods disclosed therein are deemed as inherent in the assembly of the claimed apparatus of the preceding claims as fully met by the accompanying references, (Arbogast et al, Yin) and are subsequently rejected .

Regarding claim 14, Arbogast et al discloses an assembly comprising:
a connector having a slot therein to receive a memory card, or other add in card (for example, see element 500, Figs 6,7)

Art Unit: 2841

a lever mechanism having a first end, a base end, and a middle portion, the lever mechanism having a contact surface movable by a user between a first position and a second position; an engaging member attached to the first end of the lever; an ejector attached to the base end of the lever; an engaging surface attached to a front surface of the lever above the ejector; (for example, see element 116,118,114,122,Figs 6,7)

Yin et al discloses an assembly comprising:

a first casing attached to a first end of the connector, the first casing having first and second opposing planar surfaces defining a channel therebetween, and having a hole formed in each planar surface(for example, see elements 16A,16B, 26V, Figs 1,2) and a first and second pivots attached to a first and second sides of the lever, respectively, proximate the middle portion of the lever (for example, see element 28T, Figs 1,2)

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the first casing having a channel formed and having a hole, as well as, pivots formed in the lever and assembly as taught by Yin in the assembly as taught by Arbogast et al for the purpose of accommodating the circuit card therein, as well as, to pivot the lever away from the assembly to facilitate easy removal of the same by a user (see Yin)

Regarding claim 15, Arbogast et al discloses the instant claimed invention except wherein the lever is pivotally coupled with the connector by insertion of the first pivot in one orifice and insertion of the second pivot in the other orifice.

Art Unit: 2841

Yin discloses an assembly wherein the lever is pivotally coupled with the connector by insertion of the first pivot in one orifice and insertion of the second pivot in the other orifice (for example, see Figs 1,2)

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have pivotally coupled the lever in the manner as taught by Yin in the assembly as taught by Arbogast et al as such arrangements are known in the art(see Yin)

Regarding claim 16, Arbogast et al discloses wherein the engaging surface is a protuberance (for example, see element 118, Figs 5-7)

Regarding claim 17, Arbogast et al discloses wherein the ejector is a protuberance to engage a bottom edge of the memory card (for example, see element 114, Figs 5-7)

Regarding claim 18, Arbogast et al discloses wherein the lever mechanism is made of plastic (for example, see column 2, lines 20-25)

Regarding claim 19, Arbogast et al discloses a printed circuit board attached to a bottom surface of the connector (for example, see, element 600, Figs 5-7)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dameon E Levi whose telephone number is (703) 305-0426. The examiner can normally be reached on Mon.-Fri. (9:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on (703) 308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Art Unit: 2841

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0058.

Dameon E Levi
Examiner
Art Unit 2841

DEL
April 18, 2003

A handwritten signature in black ink, appearing to read 'D. Martin', with a stylized flourish at the end.

DAVID MARTIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800